

Notice of Allowability

Application No.

10/692,074

Examiner

Dah-Wei D. Yuan

Applicant(s)

PERKINS ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/13/05.
2. ☒ The allowed claim(s) is/are 19 and 26-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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BATTERY PACK INCLUDING RECHARGEABLE BATTERIES

Examiner: Yuan

S.N. 10/692,074

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September 28, 2005

Detailed Action

1. The Applicant's amendment filed on September 13, 2005 was received. Claims 1-18, 20-25 were cancelled. Claims 26-28 were added.
2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on August 18, 2005.

Claim Rejections

3. The claim rejections under 35 U.S.C. 112, first paragraph, on claims 1-8, 10-18, 23-25 are withdrawn because they have been canceled. The claim rejections under 35 U.S.C. 103(a) as obvious over Dietz, Dalton and Naghi on claims 1, 5-8, 10-15, 23, 25 are withdrawn because these claims have been canceled. The claim rejections under 35 U.S.C. 103(a) as obvious over Dietz, Dalton, Naghi and Martin on claim 24 are withdrawn because the claim has been canceled.

Reasons for Allowance

4. Claims 19, 26-28 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The invention of independent claim 19 recites a battery pack comprising a linear portion, a first rechargeable battery, a second rechargeable battery and an aperture in the linear portion in between the first rechargeable battery and the second rechargeable battery, wherein the aperture is capable of receiving a battery separator, wherein the

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linear porting is a first linear portion aligned along a first axis, wherein the battery includes a second linear portion aligned along a second axis, wherein the first and second axes diverge. The term “diverge” is understood as “to move, lie, or lie or extend in different directions from a common point. The Dietz reference only teaches the batteries are disposed along two parallel axis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
September 28, 2005


DAH-WEI YUAN
PRIMARY EXAMINER